113, 604, 601, 428, 171 Kazak RQ2

[For discussion of the avunculate and inheritance of part of the avuncular estate among the Kazakh, and relation between these and similar complexes among the Mongol peoples, see 10: Krader, AH1 Mongolia, category 116, pp. 591-600.]

113, 171, 681, 604 Kazak RQ2

[For a Kalmyk parallel with Kazak legal private seizure of property, and the inheritance rights of maternal nephews, see 10: Krader, AH1 Mongolia, category 116, pp. 274-279.]

602 much as possible, in the following circumstances: (a) for
685 payment of bridewealth (kalym), since the increase of descendants and the need to marry was a desirable thing; (b) for the payment of a debt (to a stranger); (c) in time of famine; (d) for a necessary journey, or in pursuit of bandits, rustlers, etc.[102]

602 The degree of mutual support and dependence may be
593 directly inferred from these sections of the criminal code: the father, the father's brothers and the father's father were effectively regarded as one social unit, from the viewpoint of the son. Property rights were in common, at least before the law. Relations between sons of brothers were only slightly more distant as measured by these practices of restitution and the recognition of felony. Mother's brothers and sister's sons were about in the same category as father's brother's sons; seizure beyond these degrees of kinship was reckoned as theft except under specified circumstances.

604 Important to note, although its fuller implications
601 must be left for later discussion, is the significance of the avunculate: the mother's brother was under strong obligations to the sister's son, his dzien.[1] An identical practice is found among the Kalmuks, and even the two terms (Kalmuk sē/dsē) are cognate terms. There is a clear and demonstrable correlation between the termi-

[102] Grodekov, 160-162; cf. Bingelstedt, 148.

[1] [Cf. cat. 602, pp. 421-422 -- Anohyst]

[Great Horde]

604 601 nological usages on the one side and inheritance practices and other kinship relations on the other. A most noteworthy feature of the qïïen relation is that it was a relationship in the maternal line, and this despite the preponderantly patrilineal orientation of the entire kinship structure. But it is not unusual to find matrilateral relations highlighted in a patrilineal society, and the paradox is only a seeming one, not real. The matrilateral relations will be found operative in rules of marriage.

596 We have seen that there was some differentiation between the rich Kazakh family and the poor, especially in respect to family size. The rich family was more likely to be polygynous in composition, was more likely to attract to itself close collateral (agnatically related) kin, and kept its members together longer. The wealthy Kazakh family thus conforms more closely to a corporate entity than does the poor one; it survives the life span of its members. The poor family was more likely to be of the simple conjugal type, dissolving on the death of the father, the son forming a new conjugal family. Both the rich and the poor family conformed, 596 671 however, to another criterion of the corporate entity: they were a single personality in the eyes of such legal mechanisms as the Kazakhs possessed. That is, the aksakal or bii stepped in only with great reluctance when a family was riven by an internal dispute, if he stepped in at all.

[Great Horde]

601 there is a clear confirmation of the order of succession[1] in the kinship terminology. In fact, the close correlation with a particular--and relatively rare--application of the kinship terminology should become a classical case of a behavioral correlate of kinship terminology. In a manner parallel to that of the Kalmuks, brother's son and son's son bear the same term, the term in Kazakh being nemere.

604 428 The avunculate, the relations between mother's brother (nagaŭ) and sister's son (dŭien), likewise played a role in the transmission of real property.[1] The latter could call on his maternal uncle for support in paying his bridewealth, for the payment of a debt, and so forth. If the maternal uncle failed to fulfill a socially recognized obligation, the dŭien could effect a seizure on the stock of his nagaŭ's stock up to three times, and the nagaŭ had no basis for protest. If the dŭien exceeded the three sanctioned seizures, only then could the nagaŭ tell him that he had forfeited the rights of a nephew.

604 428 Just as the nemere term has a definable social correlate, so does the dŭien conceptr both are related to the mode of acquiring a wife, transmitting inherited property, establishing respect and authority.

Marriage in the Great Horde

A Kazakh proverb runs: "A Sart (agricultural Turk

[1] [Cf. cat. 114, AHI Mongolia, pp. 431-432 -- Analyst]

[Little Horde]

In the transmission of the property from one generation to the next, the rights of the dzien, the sister's son and the daughter's son, to the property of the mother's brother and his mother's father were recognised. In the Little Horde the dzien had the right of free seizure (baranta) up to three times from his nagasy or mother's brother, whether by agreement with the nagasy or without his knowledge. The dzien could not be punished unless he abused his rights by seizing beyond the customary three times.[221] This is the avuncular relationship and neither here nor elsewhere was it a smoothly working principle. The mother's brother did not volunteer to transfer a part of his property to the sister's son; the latter had to make seizure to obtain it. In principle it is different from the bulk of Kazakh (and Kalmuk) consanguineal relations; these are agnatic. The avuncular relationship in question here is a matrilateral relation, which, added to the patrilateral, form a limited cognatic pattern. Thus a problem of the dynamics of transition from the principle of agnatic to a partial application of the principle of cognatic kinship is posed. The problem further is that the mother's brother is not a voluntary participant in the relation, but seeks to protect his property against the seizure by the dzien, warning him that after the third time he

[221] Balliuzek, 109.

[Little Horde]

428 loses his rights as such. The same relationship, with
604 its inherent conflicts, is found among the Kalmuks.[1A] Another aspect of the problem is the unforeseeable nature of the barantə. It is not merely that the nephew comes silently and unbeknownst to the uncle to drive off his portion; it will also be recalled that marriage residence is patrilocal, and the brother may not reckon with the existence of a sister's son who appears from afar to demand what is his. Such a seisure may disturb whatever prior arrangements the nagaby may have made. An act of seusure is a violent act, and per se is disruptive of social peace. The entire relationship is a disharmony built in to the social structure.

428 The principle of apportionment to the elder sons during the lifetime of the father and that of ultimogeniture continued in force in the Little Horde at the turn of the century: "The inheritance on the death of the father goes to the unmarried sons still living in the paternal sul, or if all are married, to the youngest, who remains with the father. The elder married sons will have been established during the father's lifetime and have no more rights in his property."[222]

597 Adoption was generally practiced among close kin alone,[223] which recalls the practice elsewhere of adoption

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[222] Karuts, Kirgische Hochzeit, 42; Karuts, Unter Kirgisen und Turkmenen, 113.

[223] Balliusek, 96.

1A [Cf. cat. #6, ANI Mongolia, p. 274 ff. — Analyst]